



Atty. Dkt. No. 029856-0102

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: José Rafael GARZA ALVAREZ

Title: INTRAGASTRIC BALLOON  
ASSEMBLY

Appl. No.: 10/656,219

Filing Date: September 8, 2003

Examiner: Manuel A. Mendez

Art Unit: 3763

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ ] Assertion of Small Entity status is enclosed.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	50	-	50	=	0	x	\$50.00	=	\$0.00
Independent Claims:	4	-	4	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL								=	\$0.00

02/17/2005 MBELETE1 00000051 10656219

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60.00 OP

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$60.00
TOTAL FEE:		\$60.00

☐ Please charge Deposit Account No. 19-0741 in the amount of \$60.00. A duplicate copy of this transmittal is enclosed.

☒ A check in the amount of \$60.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date February 15, 2005

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5349  
Facsimile: (202) 672-5399

Andrew E. Rawlins  
Attorney for Applicant  
Registration No. 34,702



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**REPLY TO EX PARTE QUAYLE ACTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the *Ex parte Quayle* Action mailed November 16, 2004.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this document.

**Remarks/Arguments** begin on page 13 of this document.

Please amend the application as follows: